## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:07-CV-174-H(2)

LILIANA MARTINEZ-HERNANDEZ and ULDA APONTE, both individually and on behalf of all other similarly situated persons,	) ) )
Plaintiffs,	) ) ) ORDER
BUTTERBALL, LLC,	) ) )
Defendant.	)

This matter is before the court on defendant's motion for partial summary judgment on all Fair Labor Standards Act ("FLSA") claims that are outside the two-year limitations period set forth in 29 U.S.C. § 255(a) [DE #454]. On December 27, 2010, plaintiffs informed the court that they "hereby waive their claim[s] to a third year of FLSA damages based upon a finding of "willfulness" under 29 U.S.C. § 255(a). Accordingly, the court hereby GRANTS defendant's motion [DE #454] and enters judgment for defendant, Butterball, LLC, on each and every FLSA claim that arose more than two years before the cause of action accrued.

This 29th day of September 2011.

MALCOLM J. HOWARD

Senior United States District Judge

At Greenville, NC #31